

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

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JEAN CALDARELLA, DAMITA JO DAMIANO,
KATHLEEN FERRIS, MARLENE HODGE, JUDITH
LAIM, DEBORAH MALONEY, DEBORA MANEY,
LYNN PARKER, PENNY RIOS-EMIGH, APRIL
RIVERA, LISA STEVENS, and SONIA UHNAK,

Plaintiffs,

Index No.

Date Filed:

-against-

NEW YORK SCHOOL FOR THE DEAF,
JOHN AND JANE DOE 1-30, MEMBERS OF THE
BOARD OF TRUSTEES OF NEW YORK SCHOOL
FOR THE DEAF, in their official and individual capacities,
whose identities are presently unknown to Plaintiffs, and
NEW YORK STATE EDUCATION DEPARTMENT,

SUMMONS

Defendants.

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TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiffs' attorney within 20 days after the service of this summons (exclusive of the day of service), or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT should you fail to appear or answer, a judgment will be entered against you by default for the relief demanded in the complaint.

Plaintiffs designate Westchester County as the place of trial. The basis of venue is that one or more of the Defendants resides, maintains its principal office, and/or regularly conducts business, in the County of Westchester, State of New York.

DATED: October 16, 2019

New York, New York

THE LAW OFFICE OF MICHAEL G. DOWD

Michael G. Dowd, Esq.

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Attorneys for Plaintiffs

TO DEFENDANTS:

NEW YORK SCHOOL FOR THE DEAF
555 Knollwood Road
White Plains, NY 10603

NEW YORK STATE EDUCATION DEPARTMENT
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Albany, NY 12234

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FOR THE DEAF, in their official and individual capacities,
whose identities are presently unknown to Plaintiffs, and
NEW YORK STATE EDUCATION DEPARTMENT,

VERIFIED COMPLAINT

Defendants.

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Plaintiffs, Jean Caldarella, Damita Jo Damiano, Kathleen Ferris, Marlene Hodge, Judith
Laim, Deborah Maloney, Debora Maney, Lynn Parker, Penny Rios-Emigh, April Rivera, Lisa
Stevens, Sonia Uhnak, by their attorneys, Law Office of Michael G. Dowd and Kevin T.
Mulhearn, P.C., complaining of Defendants, hereby allege the following:

JURISDICTION AND VENUE

1. This action is timely commenced pursuant to the New York State Child Victims Act, dated February 14, 2019, and CPLR § 214-g.
2. This Court has jurisdiction pursuant to CPLR § 301 as Defendants' principal places of business are in New York and because the unlawful conduct complained of herein occurred in New York.
3. Venue is proper pursuant to CPLR § 503 because Westchester County is the principal place of business of Defendants. In addition, all of the events giving rise

to this action occurred in Westchester County.

AS AND FOR A FIRST CAUSE OF ACTION:

NEGLIGENT SUPERVISION

4. Plaintiff, Jean Caldarella (hereinafter "Caldarella") was born on January 7, 1959. She is a resident of the state of North Carolina. She attended New York School for the Deaf from approximately 1966 through 1977.
5. Plaintiff, Damita Jo Damiano (hereinafter "Damiano") was born on July 23, 1960. She is a resident of the state of Colorado. She attended New York School for the Deaf from 1964 through 1978.
6. Plaintiff, Kathleen Ferris (hereinafter "Ferris") was born on April 7, 1959. She is a resident of the state of Virginia. She attended New York School for the Deaf from 1965 through 1967.
7. Plaintiff, Marlene Hodge (hereinafter "Hodge") was born on July 8, 1960. She is a resident of the State of California. She attended New York School for the Deaf from approximately 1966 through 1974.
8. Plaintiff, Judith Laim (hereinafter "Laim") was born on February 6, 1960. She is a resident of Manhattan, New York. She attended New York School for the Deaf from approximately 1967 through 1978.
9. Plaintiff, Deborah Maloney (hereinafter "Maloney") was born on December 1, 1958. She is a resident of Churchville, New York. She attended New York School for the Deaf from approximately 1961 through 1967.
10. Plaintiff, Debora Maney (hereinafter "Maney") was born on September 15, 1958. She is a resident of Rochester, New York. She attended New York School for the

Deaf from approximately 1964 through 1977.

11. Plaintiff, Lynn Parker (hereinafter “Parker”) was born on February 2, 1956. She is a resident of Middletown, New York. She attended New York School for the Deaf from approximately 1960 through 1975.
12. Plaintiff, Penny Rios-Emigh (hereinafter “Rios-Emigh”) was born on June 26, 1965. She is a resident of the state of Pennsylvania. She attended New York School for the Deaf from approximately 1972 through 1984.
13. Plaintiff, April Rivera (hereinafter “Rivera”) was born on August 3, 1965. She is a resident of the state of Pennsylvania. She attended New York School for the Deaf from approximately 1970 through 1983.
14. Plaintiff, Lisa Stevens (hereinafter “Stevens”) was born on March 30, 1960. She is a resident of Alabama. She attended New York School for the Deaf from approximately 1964 through 1979.
15. Plaintiff, Sonia Uhnak (hereinafter “Uhnak”) was born on May 14, 1958. She is a resident of the state of Iowa. She attended New York School for the Deaf from approximately 1963 through 1975.
16. Defendant NEW YORK SCHOOL FOR THE DEAF (hereinafter “NYSD”) is at all material times a private, non-profit corporation operated in cooperation with the New York State Education Department and doing business in Westchester County, New York. Founded in 1817, NYSD is a college preparatory school for grades Kindergarten through twelfth grade.
17. JOHN AND JANE DOE 1-30, whose names are presently unknown, were members of the NYSD BOARD OF TRUSTEES during all material times herein.

Upon information and belief, the BOARD OF TRUSTEES is responsible for the operation of NYSD.

18. Defendant NEW YORK STATE EDUCATION DEPARTMENT (hereinafter “NYSED”) is at all material times the department of the New York state government responsible for the supervision of all public schools in New York, operating in cooperation with Defendant NYSD and doing business in Albany County, New York.
19. Defendants NYSD, JOHN AND JANE DOE 1-30, and NYSED will hereinafter collectively be referred to as “Defendants.”
20. Upon information and belief, according to its website, the following is NYSD’s mission: “[T]o maximize the whole person potential of each student through comprehensive, rigorous educational programs and services within a communication and language-rich environment. NYSD is also committed to serve as an exemplary resource in the education of deaf and hard of hearing students. As a community and to achieve its goals, NYSD collaborates with families, school districts, agencies, the deaf community, the educational research community, philanthropic sources and other key stakeholders.”
21. Upon information and belief, according to its website, the following are a few of NYSD’s beliefs and principals: “In a safe, caring and accessible environment, NYSD is committed to: ensuring every student is a genuine, interactive member of the school community in and out of the classroom; viewing deaf and hard of hearing people from a cultural and linguistic perspective rather than as disabled; embracing the diverse cultures and ethnicities of students and their families; . . .

instilling in every student a sense of social justice, integrity and a commitment to advocacy for self and others.”

22. Upon information and belief, Joseph Casucci (hereinafter “Casucci”) died in or around the early 2000s.
23. Upon information and belief, Casucci was hired by NYSD as houseparent for the pre-primary girls in or around the early 1960s.
24. Upon information and belief, Casucci remained an employee at NYSD through 1979.
25. Upon information and belief, when Casucci met Plaintiffs between the years of 1964 and 1975, he was an employee and agent of Defendants acting within the course and scope of his authority as Defendants’ employee.
26. Upon information and belief, Casucci continued acting as an employee and agent of Defendants throughout the period from in or around the early 1960s through his dismissal in or about 1979.
27. Upon information and belief, at all relevant times Plaintiffs resided in dormitories owned and operated by Defendant NYSD on the campus of Defendant NYSD.
28. Plaintiffs first met Casucci because he was assigned by Defendants to be their houseparent when they moved into the pre-primary dorm.
29. Upon information and belief, the pre-primary dorm was located on the campus property of NYSD.
30. At all material times, Plaintiffs were aware of no rules, regulations or policies of Defendants concerning or addressing sexual abuse and/or sexual misconduct of NYSD students, such as Plaintiffs, by employees such as Casucci.

31. At all material times, Plaintiffs received no training or information in any form, including but not limited to, classroom instruction, presentation, or through a written document on how to deal with sexual misconduct or sexually abusive behavior by Defendants' employees on students like themselves.
32. Casucci was Caldarella's assigned dorm supervisor at NYSD from approximately 1966 through 1968.
33. Caldarella alleges that Casucci began to sexually abuse her soon after she moved into her assigned dorm where Casucci resided with his wife Marie Casucci.
34. Casucci's sexual abuse of Caldarella included but was not limited to Casucci fondling her breasts, fondling her vagina, digitally penetrating her anus, kissing her on the mouth, inserting his finger inside of her mouth, and having her sit on his lap while he fondled her body and used her body to grind against his erect penis.
35. The instances of alleged sexual abuse of Caldarella occurred in the dorm's bathroom, bedroom, and living room.
36. Caldarella was sexually abused by Casucci on a daily basis during her time living in the dorm.
37. Casucci was Damiano's assigned dorm supervisor at NYSD from approximately 1964 through 1968.
38. Damiano alleges that Casucci began to sexually abuse her soon after she moved into her assigned dorm where Casucci resided with his wife Marie Casucci.
39. Casucci's sexual abuse of Damiano included but was not limited to Casucci fondling her breasts, digitally penetrating her vagina and anus, and having her sit

on his lap while he fondled her body, including her genitals. Casucci also inserted his finger inside of her mouth.

40. The instances of alleged sexual abuse of Damiano occurred in the dorm's bathroom, bedroom, and living room.
41. Damiano was sexually abused by Casucci on a daily basis during her time living in the dorm.
42. Casucci was Ferris' assigned dorm supervisor at NYSD from approximately 1965 through 1967.
43. Ferris alleges that Casucci began to sexually abuse her soon after she moved into her assigned dorm where Casucci resided with his wife Marie Casucci.
44. Casucci's sexual abuse of Ferris included but was not limited to Casucci inserting his finger inside of her mouth, kissing her on the cheek, fondling her breasts, fondling her vagina, digitally penetrating her anus, and having her sit on his lap while he fondled her body and used her body to grind against his genitals.
45. The instances of alleged sexual abuse of Ferris occurred in the dorm's bathroom, bedroom, and living room.
46. Ferris was sexually abused by Casucci on a daily basis during her time living in the dorm.
47. Casucci was Hodge's assigned dorm supervisor at NYSD from approximately 1966 through 1969.
48. Hodge alleges that Casucci began to sexually abuse her soon after she moved into her assigned dorm where Casucci resided with his wife Marie Casucci.

49. Casucci's sexual abuse of Hodge included but was not limited to Casucci kissing her on the mouth and inserting his finger inside of her mouth, fondling her breasts, digitally penetrating her vagina and anus, and having her sit on his lap while he fondled her body, including her genitals while his penis was erect.
50. The instances of alleged sexual abuse of Hodge occurred in the dorm's bathroom, bedroom, and living room.
51. Hodge was sexually abused by Casucci on a daily basis during her time living in the dorm.
52. Casucci was Laim's assigned dorm supervisor at NYSD from approximately 1967 through 1968.
53. Laim alleges that Casucci began to sexually abuse her soon after she moved into her assigned dorm where Casucci resided with his wife Marie Casucci.
54. Casucci's sexual abuse of Laim included but was not limited to Casucci kissing her on the mouth, inserting his finger inside of her mouth, fondling her breasts, digitally penetrating her vagina and anus, having her sit on his lap while he fondled her body and used her body to grind against his genitals, and rubbing her naked vagina directly against his naked penis.
55. The instances of alleged sexual abuse of Laim occurred in the dorm's bathroom, bedroom, and living room.
56. Laim was sexually abused by Casucci on a daily basis during her time living in the dorm.
57. Casucci was Maloney's assigned dorm supervisor at NYSD from approximately 1964 through 1968.

58. Maloney alleges that Casucci began to sexually abuse her soon after she moved into her assigned dorm where Casucci resided with his wife Marie Casucci.
59. Casucci's sexual abuse of Maloney included but was not limited to Casucci inserting his finger inside of her mouth, licking and kissing her face, fondling her breasts, digitally penetrating her vagina and anus, and having her sit on his lap while he fondled her body and moved her body over his erect penis.
60. The instances of alleged sexual abuse of Maloney occurred in the dorm's bathroom, bedroom, and living room.
61. Maloney was sexually abused by Casucci on a daily basis during her time living in the dorm.
62. Casucci was Maney's assigned dorm supervisor at NYSD from approximately 1965 through 1968.
63. Maney alleges that Casucci began to sexually abuse her soon after she moved into her assigned dorm where Casucci resided with his wife Marie Casucci.
64. Casucci's sexual abuse of Maney included but was not limited to Casucci inserting his finger inside of her mouth, fondling her breasts, digitally penetrating her vagina and anus, and having her sit on his lap while he fondled her body and moved her body to grind over his erect penis.
65. The instances of alleged sexual abuse of Maney occurred in the dorm's bathroom, bedroom, and living room.
66. Maney was sexually abused by Casucci on a daily basis during her time living in the dorm.

67. Casucci was Parker's assigned dorm supervisor at NYSD from approximately 1964 through 1967.
68. Parker alleges that Casucci began to sexually abuse her soon after she moved into her assigned dorm where Casucci resided with his wife Marie Casucci.
69. Casucci's sexual abuse of Parker included but was not limited to Casucci kissing her on the mouth, fondling her breasts, digitally penetrating her vagina and anus, and having her sit on his lap while he fondled her body, including her genitals.
70. The instances of alleged sexual abuse of Parker occurred in the dorm's bathroom, bedroom, and living room.
71. Parker was sexually abused by Casucci on a daily basis during her time living in the dorm.
72. Casucci was Rios-Emigh's assigned dorm supervisor at NYSD from approximately 1973 through 1975.
73. Rios-Emigh alleges that Casucci began to sexually abuse her soon after she moved into her assigned dorm where Casucci resided with his wife Marie Casucci.
74. Casucci's sexual abuse of Rios-Emigh included but was not limited to Casucci inserting his finger inside of her mouth, fondling her breasts, digitally penetrating her vagina and anus, kissing her on the mouth, rubbing her head against his genitals on the outside of his clothes, and having her sit on his lap while he fondled her body and used her body to grind against his erect penis.
75. The instances of alleged sexual abuse of Rios-Emigh occurred in the dorm's bathroom, bedroom, living room, and outside on NYSD's campus near the dorm.

76. Rios-Emigh was sexually abused by Casucci on a daily basis during her time living in the dorm.
77. Casucci was Rivera's assigned dorm supervisor at NYSD from approximately 1970 through 1973.
78. Rivera alleges that Casucci began to sexually abuse her soon after she moved into her assigned dorm where Casucci resided with his wife Marie Casucci.
79. Casucci's sexual abuse of Rivera included but was not limited to Casucci inserting his finger inside of her mouth, fondling her breasts, digitally penetrating her vagina and anus, kissing her on the mouth, and having her sit on his lap while he fondled her body, including her genitals.
80. The instances of alleged sexual abuse of Rivera occurred in the dorm's bathroom, bedroom, and living room.
81. Rivera was sexually abused by Casucci on a daily basis during her time living in the dorm.
82. Casucci was Stevens' assigned dorm supervisor at NYSD from approximately 1964 through 1968.
83. Stevens alleges that Casucci began to sexually abuse her soon after she moved into her assigned dorm where Casucci resided with his wife Marie Casucci.
84. Cassuci's sexual abuse of Stevens included but was not limited to Casucci inserting his finger inside of her mouth, fondling her breasts, digitally penetrating her vagina and anus, and having her sit on his lap while he fondled her body and used her body to grind against his genitals.

85. The instances of alleged sexual abuse of Stevens occurred in the dorm's bathroom, bedroom, and living room.
86. Stevens was sexually abused by Casucci on a daily basis during her time living in the dorm.
87. Casucci was Uhnak's assigned dorm supervisor at NYSD from approximately 1964 through 1968.
88. Uhnak alleges that Casucci began to sexually abuse her soon after she moved into her assigned dorm where Casucci resided with his wife Marie Casucci.
89. Casucci's sexual abuse of Uhnak included but was not limited to Casucci kissing her on the mouth, fondling her breasts, and digitally penetrating her vagina and anus.
90. The instances of alleged sexual abuse of Uhnak occurred in the dorm's bathroom and living room.
91. Uhnak was sexually abused by Casucci on a daily basis during her time living in the dorm.
92. Upon information and belief, during all material times herein, when Plaintiffs were enrolled in school and communicating and otherwise interacting with Casucci, they was entrusted by their parents to the care of all Defendants and during such periods the Defendants were acting in the capacity of *in loco parentis* because Defendants assumed custody and control over them as minor children and as students at the school.
93. Upon information and belief, Casucci used his position of trust and authority vested in him by the Defendants for the purpose of sexually abusing Plaintiffs.

94. Upon information and belief, sometime after Defendants were provided with information that Casucci sexually abused minor female students in or around 1979, Casucci was fired or otherwise terminated as an employee of Defendants.
95. Upon information and belief, the sexual abuse of Plaintiffs by Casucci was foreseeable.
96. Upon information and belief, at all material times, Defendants had the duty to exercise the same degree of care and supervision over the students including Plaintiffs under their control as a reasonably prudent parent would have exercised under the same circumstances. This means that Defendants assumed a duty of care to protect the safety and welfare of Plaintiffs as students at NYSD.
97. At all material times, Defendants owed a duty to Plaintiffs to provide a safe and nurturing educational environment, where they would be protected from employees like Casucci who were under the employment and control of the Defendants.
98. Upon information and belief, Defendants knew that as a result of being Deaf, the minor Plaintiffs were vulnerable persons.
99. Upon information and belief, during Casucci's employment by Defendants and while Plaintiffs were students in Defendants' care, Defendants failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.
100. During all material times, Defendants owed a special duty to Plaintiffs that required Defendants to take reasonable steps to anticipate such behavior from its employees like Casucci, which threatened the safety of students including

Plaintiffs.

101. At all material times, Defendants had a duty to properly supervise Casucci as their employee and because of their duty of care to Plaintiffs.
102. At all material times, Plaintiffs reposed their trust and confidence as students and minor children in Defendants, who occupied a superior position of influence and authority over Plaintiffs to provide Plaintiffs with a safe and secure educational environment.
103. Upon information and belief, at all material times, Defendants knew or should have known of Casucci's propensity to sexually abuse minor students.
104. Upon information and belief, the Defendants negligently failed to adequately implement a reasonable or effective supervisory system, plan, protocol or procedure for supervising personnel so as to prevent inappropriate, offensive, sexual and/or abusive contact of students by Defendants' employees.
105. Upon information and belief, the failure to supervise, includes but is not limited to, failure to supervise Casucci during non-instructional time with minor students in NYSD's dormitories and the failure to adequately supervise students during non-instructional time in NYSD's dormitories.
106. Upon information and belief, the injury to Plaintiffs resulted from Defendants' failure to provide Plaintiffs the supervision of a parent of ordinary prudence under the same circumstances.
107. Upon information and belief, the injuries to Plaintiffs were a foreseeable consequence of Defendants' negligent failure to supervise Casucci and Plaintiffs. Said injuries were caused by or contributed to by the carelessness, recklessness

and the grossly negligent conduct of the Defendants, their agents, servants and/or employees, in failing to properly and adequately supervise the conduct of Casucci as it related to Plaintiffs.

108. Defendants were wanton, reckless, officially tolerant and deliberately indifferent to abuse of Plaintiffs by Casucci.
109. By reason of the foregoing, Plaintiffs sustained physical and psychological injuries, including but not limited to, severe emotional distress, depression, humiliation, embarrassment, fright, anger, anxiety, and loss of educational opportunity and have been caused to suffer pain and mental anguish, emotional and psychological damages as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and as a result Plaintiffs have become and will continue to be obligated to expend sums of money for medical expenses.
110. That by reason of the foregoing, Defendants are liable to Plaintiffs for punitive and exemplary damages.
111. It is hereby alleged pursuant to CPLR § 1603 that the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided in CPLR § 1602, including but not limited to, CPLR § 1602(7).
112. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION:**NEGLIGENT RETENTION**

113. Plaintiffs repeat and reallege the above paragraphs of this Complaint as if fully set forth herein.
114. Upon information and belief, as more fully alleged above, Defendants' duty of care to the Plaintiffs included a duty not to retain an employee like Casucci who would use his position of authority and influence to harm students such as Plaintiffs.
115. Upon information and belief, Defendants knew or should have known that Casucci was sexually abusing Plaintiffs and/or knew or should have known of his propensity to sexually abuse minor students with whom he came in contact.
116. When Plaintiffs were in their care, said Defendants failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.
117. Defendants were wanton, reckless, officially tolerant and deliberately indifferent to abuse of Plaintiffs by Casucci.
118. Defendants are liable to Plaintiffs as a result of their recklessness, official tolerance and deliberate indifference to the harm caused to Plaintiffs by Casucci.
119. By reason of the foregoing, Plaintiffs sustained physical and psychological injuries, including but not limited to, severe emotional distress, depression, humiliation, embarrassment, fright, anger, anxiety, and loss of educational opportunity and have been caused to suffer pain and mental anguish, emotional and psychological damages as a result thereof, and, upon information and belief,

some or all of these injuries are of a permanent and lasting nature, and as a result the Plaintiffs have become and will continue to be obligated to expend sums of money for medical expenses.

120. That by reason of the foregoing, Defendants are liable to Plaintiffs for punitive and exemplary damages.
121. It is hereby alleged pursuant to CPLR § 1603 that the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided in CPLR § 1602, including but not limited to, CPLR § 1602(7).
122. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A THIRD CAUSE OF ACTION:

NEGLIGENT FAILURE TO PROVIDE A SAFE AND SECURE ENVIRONMENT

123. Plaintiffs repeat and reallege the above paragraphs of this Complaint as if fully set forth herein.
124. At all material times, as more fully set forth above, Defendants had a duty to exercise the same degree of care and supervision over the students under their control as a reasonably prudent parent would have exercised under similar circumstances.
125. During all material times, Defendants owed a special duty to Plaintiffs as students. This special duty required Defendants to take reasonable steps to anticipate such threats from employees like Casucci, which threatened the safety of Plaintiffs.

126. Upon information and belief, by virtue of both their duty of care to Plaintiffs and the positions of authority and influence they exercised over them, Defendants had a duty to Plaintiffs to provide a reasonably safe and secure environment at NYSD.
127. Upon information and belief, Defendants failed to provide a reasonably safe environment to Plaintiffs by failing to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.
128. As a result, Defendants are liable to Plaintiffs for their negligent failure to provide a reasonably safe and secure environment.
129. By reason of the foregoing, Plaintiffs sustained physical and psychological injuries, including but not limited to, severe emotional distress, depression, humiliation, embarrassment, fright, anger, anxiety, and loss of educational opportunity and have been caused to suffer pain and mental anguish, emotional and psychological damages as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and as a result the Plaintiffs have become and will continue to be obligated to expend sums of money for medical expenses.
130. That by reason of the foregoing, Defendants are liable to Plaintiffs for punitive and exemplary damages.
131. It is hereby alleged pursuant to CPLR § 1603 that the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided in CPLR § 1602, including but not limited to, CPLR § 1602(7) and § 1602(11).

132. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, based on the aforesaid, Plaintiffs demand judgment against the Defendants, jointly and severally, together with compensatory and punitive damages, and the interest, costs and disbursements pursuant to the causes of action herein.

Dated: October 16, 2019

Respectfully submitted,

LAW OFFICE OF MICHAEL G. DOWD

KEVIN T. MULHEARN, P.C.

Michael G. Dowd /S

Kevin T. Mulhearn /S

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Attorneys for Plaintiffs

VERIFICATION BY ATTORNEY

MICHAEL G. DOWD, an attorney being duly admitted before the courts of the State of New York, hereby affirms the following under penalties of perjury:

That he is an attorney for the Plaintiffs in the above-entitled action with offices located at 600 Third Ave, New York, New York; that he has read the foregoing VERIFIED COMPLAINT and knows the contents thereof; that the same is true to his knowledge, except as to the matters stated to be alleged upon information and belief, and that as to those matters he believes them to be true.

That the reason why this verification is made by deponent instead of Plaintiffs is because Plaintiffs are not within the County of New York where deponent has his office. Deponent further says that the grounds of his belief as to all matters in the VERIFIED COMPLAINT not stated to be upon his knowledge are based upon conversations with the Plaintiffs and other writings relevant to this action.

Michael G. Dowd /S

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Attorney for Plaintiffs